UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA	:	
	:	
vs.	:	**CR: 05-47-01S**
	:	
ROBERT NARDOLILLO	:	

AMENDED MOTION TO RETURN BAIL
CHANGE OF ADDRESS

Now comes the Defendant, Robert Nardolillo, in the above-entitled matter and moves this Honorable Court to return the Two Hundred Fifty Thousand ($250,000.00) Dollars cash bail posted on April 1, 2005, by Evelyn Mitchell, 171 Falcon Street, Warwick Rhode Island 02888 formerly 70 Barrows Street, Providence, Rhode Island 02908.

Respectfully submitted,
Robert Nardolillo,
By His Attorney,

William J. Murphy /dmr

William J. Murphy #4258
Murphy & Fay, LLP
127 Dorrance Street – 2nd Floor
Providence, Rhode Island 02903
Tel: 401-490-3200/Fax: 401-490-3207

CERTIFICATION

I, the undersigned hereby certify mailed, via first-class mail, postage prepaid, a true and accurate copy of the within Motion to James Leavey, Esquire, Assistant United States Attorney, Fleet Center, 50 Kennedy Plaza, 8th Floor, Providence, Rhode Island 02903 on the 3rd day of February, 2006.

Donna M. Rogers

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA	:	
	:	
vs.	:	CR: 05-47-01S
	:	
ROBERT NARDOLILLO	:	

MEMORANDUM IN SUPPORT OF MOTION TO RETURN BAIL

In accordance with the Bail Reform Act of 1994, and the Federal Rules of Criminal Procedure, a defendant released on bond violates a condition of bond, the government may begin a civil proceeding against the defendant by petitioning the court to declare a forfeiture of the bond. Fed. R. Crim. P. 46(e)(1).

The bond forfeiture may subsequently be set aside or enforced and the court may remit bail in whole or in part to the surety. Id.

In the instant case, Mr. Nardolillo was sentenced on December 9, 2005, before the Honorable Justice William Smith. Mr. Nardolillo is presently incarcerated and has complied with all bail conditions. Evelyn Mitchell, 171 Falcon Street, Warwick Rhode Island was the person posting bond for Mr. Nardolillo in this case.

The Defendant, Robert Nardolillo, respectfully requests this Court to return his bond to surety person, Evelyn Mitchell according to the Fed.R. Civ. P. 46(e)(1) and (4) ad the Bail Reform Act of 1994.

It should be noted the government has no objection to Mr. Nardolillo's Motion.

Respectfully submitted,
Robert Nardolillo,
By his Attorney,

William J. Murphy /dmr

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Donna M. Rogers